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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,640	05/02/2006	Toshihide Tsubata	70404.90/ma	3891
54/072 7590 06/04/2008 SHARP KABUSHIKI KAISHA C/O KEATING & BENNETT, LLP 8180 GREENSBORO DRIVE SUITE 850 MCLEAN, VA 22102				
EXAMINER				
TAYLOR, EARLE N				
ART UNIT		PAPER NUMBER		
2818				
NOTIFICATION DATE		DELIVERY MODE		
06/04/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JKEATING@KBIPLAW.COM
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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/595,640

Applicant(s)

TSUBATA ET AL.

Examiner

EARL N. TAYLOR

Art Unit

2818

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 May 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/DAVID VUJ/
Primary Examiner, Art Unit 2818

Continuation of 11, does NOT place the application in condition for allowance because:

Regarding the applicant's statement that step of cleaning the CVD chamber using a fluorine-containing gas is inherent; the applicant has provided no evidence that this step is inherent, the applicant's position is that when this cleaning step is done then fluorine is present in the gate insulating film. The examiner respectfully states that the applicant has stated that this step is required between subsequent CVD depositions but has not provided a showing that this cleaning step is required for the first time the CVD chamber is used to make the devices of the prior art and as such arguments cannot be construed as evidence. The examiner provided the Shimizu reference that does not perform the fluorine cleaning of the CVD chamber and alternatively provided the Robertson reference making a prima facie showing of obviousness that even if one were to do the cleaning step using fluorine gas between subsequent CVD depositions of silicon nitride that Robertson teaches the method of removing the any remaining fluorine residue and at the same time ensure that particulates remaining in the chamber do not fall onto the substrate, see specifically paragraph 8 of Robertson. Therefore removing any remaining fluorine residue and encapsulating the particulates as taught by Robertson between subsequent CVD steps of silicon nitride would therefore produce the thin film transistor not having fluorine in the gate insulating film.

Furthermore, it is noted that the applicant implies that the prior art references are substantially the same and producing the same results as the conventional description stated in applicant's specification at paragraphs 23 and 24, however there is no mention of these specific references in the applicant's specification.

The applicant also argues that Shimizu teaches a method that makes fabrication steps simple and the total fabrication cost is reduced and that Robertson teaches a complicated process that would make processing the device of Shimizu more complicated and costly. The examiner notes that the motivation for one skilled in the art to use the cleaning technique of Robertson for making the device as taught by Shimizu relies on making a more quality product and as previously stated to remove the unwanted fluorine and particulates that can damage the device and to prevent unwanted threshold voltage shift, see specifically paragraph 7 of Robertson.